

JAN 20 2000

**CERTIFIED MAIL**

**Return Receipt Requested**

Article No: P 165 400 943

Lynn Richardson  
Health, Safety and Environmental Manager  
Nulex, Inc.  
2717 Port Neal Circle  
Sergeant Bluff, IA 51054

Dear Mr. Richardson:

RE: Nulex, Inc.  
Sergeant Bluff, Iowa  
RCRA I.D. No. IAR000007310

Letter of Warning

On September 22, 1998, a representative of the U. S. Environmental Protection Agency (EPA) inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA). A copy of that inspection report is enclosed.

EPA has reviewed the inspection report prepared as a result of the September 22, 1998, inspection of your facility and determined that potential violations of the RCRA regulations are present. At the time of the inspection, zinc/ iron crystals were used in the facility's granulation plant to produce approximately 6000 tons of supplements for the feed industry and approximately 50 tons of fertilizer. Samples of the zinc/ iron crystals were obtained by the EPA during the September 22, 1998, inspection. The crystals were slightly above regulatory levels for the toxicity characteristic of selenium.

These crystals are formed from the removal of excess zinc/ iron/ sulfate from pickling tanks in the steel galvanizing process and are considered a by-product, as defined in 40 CFR § 261.1. The re-use of waste zinc/ iron crystals in the manufacture of fertilizer is considered a use constituting disposal, which makes the crystals a recycled waste according to 40 CFR § 261.2(a). Recycled wastes are defined as solid wastes under RCRA when they are used to produce products that are subsequently placed on the land. Because the crystals meet the definition of solid waste and fail for the toxicity characteristic, they would be considered hazardous waste and would need to be managed according to the regulations.

ARTD/RESP:KENNELL:pr:7645:H:/NUTRA\_MEETING.LOW

RESP CNSL  
KENNELL WISCHMEYER

KLK 1/18/00  
CW 1-18-00

RESP RESP  
SLUGANTZ HEIMAN

LSuebs  
1-19-00

Heiman  
1/19/00



R00158342

RCRA RECORDS CENTER

issue further. Some of your facility's current waste management practices would be considered violations of RCRA. Please contact Kendra Kennell, at (913) 551-7136, at your earliest convenience to set a date and time for this meeting.

Sincerely,

JoAnn M. Heiman, Chief  
RCRA Enforcement and State Programs Branch  
Air, RCRA, and Toxics Division

Enclosure

cc: Joseph Obr, Iowa Dept. of Natural Resources

bcc: Diedrel Newsome, ENSV



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 N. 5TH STREET  
KANSAS CITY, KANSAS 66101

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